

**SUPREME COURT MINUTES  
THURSDAY, DECEMBER 6, 2007  
SAN FRANCISCO, CALIFORNIA**

**S049973**

**PEOPLE v. KELLY (DOUGLAS  
OLIVER)**

Opinion filed: Judgment affirmed in full

Majority opinion by: Chin, J.

-----joined by: George, C. J., Kennard, Baxter, and Corrigan, JJ.

Concurring opinion by: Werdegarr, J.

Concurring and dissenting opinion by: Moreno, J.

**S055130**

**PEOPLE v. MORGAN (EDWARD  
PATRICK)**

Time extended to consider modification or rehearing in the above-entitled case is hereby extended to February 13, 2008.

**S156919**      C053115 Third Appellate District

**PEOPLE v. SCOTT (CURTIS M.)**

The time for granting or denying review in the above-entitled matter is hereby extended to January 17, 2008.

**S157196**      H030101 Sixth Appellate District

**PEOPLE v. GHOBADI (SHAHPOR)**

The time for granting or denying review in the above-entitled matter is hereby extended to January 11, 2008.

**S157215**      H031278 Sixth Appellate District

**SPILLMAN (GLENN BARRY) v.  
S.C. (PEOPLE)**

The time for granting or denying review in the above-entitled matter is hereby extended to January 17, 2008.

**S157250**      B173829 Second Appellate District, Div. 6      **EL ESCORIAL OWNERS' ASSOCIATION v. DLC PLASTERING**

The time for granting or denying review in the above-entitled matter is hereby extended to January 15, 2008.

**S157269**      E039408 Fourth Appellate District, Div. 2      **PEOPLE v. ROBERTS (MARK JOSEPH)**

The time for granting or denying review in the above-entitled matter is hereby extended to January 16, 2008.

**S157337**      D049594 Fourth Appellate District, Div. 1      **PEOPLE v. LOZANO (ANTONIO TONY)**

The time for granting or denying review in the above-entitled matter is hereby extended to January 16, 2008.

**S157402**      B202274 Second Appellate District, Div. 3      **ESCARCEGA (RAUL) ON H.C.**  
The time for granting or denying review in the above-entitled matter is hereby extended to January 17, 2008.

**S157482**      B195317 Second Appellate District, Div. 5      **SHERSHER (ROMAN) v. S.C. (MICROSOFT CORPORATION)**

The time for granting or denying review in the above-entitled matter is hereby extended to January 17, 2008.

**S157512**      A118337 First Appellate District, Div. 2      **BAKER (ROMARILYN) ON H.C.**  
The time for granting or denying review in the above-entitled matter is hereby extended to January 16, 2008.

**S157550**      D050385 Fourth Appellate District, Div. 1      **PEOPLE v. QUITIQUIT (MICHAEL PEDRO)**

The time for granting or denying review in the above-entitled matter is hereby extended to January 17, 2008.

**S157552**      D048895 Fourth Appellate District, Div. 1      **PEOPLE v. ALDANA ( JOSIE)**  
The time for granting or denying review in the above-entitled matter is hereby extended to January 17, 2008.

**S157554**      B191189 Second Appellate District, Div. 8      **PEOPLE v. FRANDSEN  
(BENJAMIN)**  
The time for granting or denying review in the above-entitled matter is hereby extended to January 17, 2008.

**S033901**      **PEOPLE v. THOMPSON  
(CATHERINE)**  
Extension of time granted.  
Good cause appearing, and based upon Senior Deputy State Public Defender Gail R. Weinheimer's representation that she anticipates filing the appellant's reply brief by October 2008, counsel's request for an extension of time in which to file that brief is granted to February 6, 2008. After that date, only four further extensions totaling about 240 additional days are contemplated.

**S052374**      **PEOPLE v. BROWN (STEVEN  
ALLEN)**  
Extension of time granted.  
Good cause appearing, and based upon counsel Emry J. Allen's representation that he anticipates filing the appellant's opening brief by January 29, 2008, counsel's request for an extension of time in which to file that brief is granted to January 29, 2008. After that date, no further extension is contemplated.

**S053228**      **PEOPLE v. ALEXANDER  
(ANDRE S.)**  
Extension of time granted.  
Good cause appearing, and based upon Deputy State Public Defender Susan Ten Kwan's representation that she anticipates filing the appellant's supplemental reply brief by April 2008, counsel's request for an extension of time in which to file that brief is granted to February 8, 2008. After that date, only one further extension totaling about 60 additional days is contemplated.

**S075136****PEOPLE v. COVARRUBIAS  
(DANIEL SANCHEZ)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Bridget Billeter's representation that she anticipates filing the respondent's brief by July 31, 2008, counsel's request for an extension of time in which to file that brief is granted to February 1, 2008. After that date, only three further extensions totaling about 180 additional days are contemplated.

**S076334****PEOPLE v. ARISMAN (DAVID  
WAYNE)**

Extension of time granted

Good cause appearing, and based upon Chief Assistant State Public Defender Donald J. Ayoob's representation that he anticipates filing the appellant's opening brief by February 1, 2008, counsel's request for an extension of time in which to file that brief is granted to February 1, 2008. After that date, no further extension is contemplated.

**S076337****PEOPLE v. CHARLES III  
(EDWARD)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to February 8, 2008.

**S080276****PEOPLE v. NG (CHARLES  
CHITAT)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to January 25, 2008.

**S082101****PEOPLE v. RHOADES (ROBERT  
BOYD)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to February 5, 2008.

**S085193****PEOPLE v. NELSON (BERNARD A.)**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's brief is extended to February 11, 2008.

**S086234****PEOPLE v. MILES (JOHNNY DUANE)**

Extension of time granted

Good cause appearing, and based upon counsel Peter Giannini's representation that he anticipates filing the appellant's opening brief by June 30, 2008, counsel's request for an extension of time in which to file that brief is granted to February 4, 2008. After that date, only three further extensions totaling about 150 additional days will be granted.

**S086578****PEOPLE v. LOOT (KENDRICK) & MILLSAP (BRUCE)**

Extension of time granted

On application of appellant Bruce Millsap and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to February 1, 2008.

**S087533****PEOPLE v. POPS (ASWAD) & WILSON (BYRON)**

Extension of time granted

Good cause appearing, and based upon Senior Deputy State Public Defender Joseph E. Chabot's representation that he anticipates filing appellant Byron Wilson's opening brief by July 10, 2008, counsel's request for an extension of time in which to file that brief is granted to February 8, 2008. After that date, only three further extensions totaling about 150 additional days are contemplated.

**S087533****PEOPLE v. POPS (ASWAD) & WILSON (BYRON)**

Good cause appearing, and based upon counsel Marilee Marshall's representation that she anticipates filing appellant Aswad Pops's opening brief by June 30, 2008, counsel's request for an extension of time in which to file that brief is granted to January 25, 2008. After that date, only three further extensions totaling about 155 additional days are contemplated.

**S090602****PEOPLE v. PEOPLES (LOUIS JAMES)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to January 25, 2008.

**S097363  
(JUSTIN****PEOPLE v. MERRIMAN  
JAMES)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to February 11, 2008.

**S099274****PEOPLE v. BROOKS (DONALD L.)**

Extension of time granted

Good cause appearing, and based upon counsel John L. Staley's representation that he anticipates filing the appellant's opening brief by February 2009, counsel's request for an extension of time in which to file that brief is granted to January 25, 2008. After that date, only seven further extensions totaling about 390 additional days are contemplated.

**S100735****PEOPLE v. LANDRY (DANIEL GARY)**

Extension of time granted

Good cause appearing, and based upon counsel Donald R. Tickle's representation that he anticipates filing the appellant's opening brief by September-November 2008, counsel's request for an extension of time in which to file that brief is granted to February 4, 2008. After that date, only five further extensions totaling about 270 additional days are contemplated.

**S134332****GUERRA (JOSE FRANCISCO)  
ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Alene M. Games's representation that she anticipates filing the informal response to the petition for writ of habeas corpus by January 4, 2008, counsel's request for an extension of time in which to file that document is granted to January 4, 2008. After that date, no further extension is contemplated.

**S144759****BLAIR (JAMES NELSON) ON  
H.C.**

Extension of time granted

Good cause appearing, and based upon counsel David A. Nickerson's representation that he anticipates filing the reply to the informal response to the petition for writ of habeas corpus by December 13, 2007, counsel's request for an extension of time in which to file that brief is granted to December 13, 2007. After that date, no further extension is contemplated.

**S148523****RICHARDSON (CHARLES  
KEITH) ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Karen Kelly's representation that she anticipates filing the reply to the informal response to the petition for writ of habeas corpus by March 17, 2008, counsel's request for an extension of time in which to file that document is granted to February 5, 2008. After that date, only one further extension totaling about 41 additional days is contemplated.

**S152288****CAIN (TRACY DEARL) ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Federal Public Defender Katherine A. Froyen's representation that she anticipates filing the informal reply by February 5, 2008, counsel's request for an extension of time in which to file that brief is granted to February 5, 2008. After that date, no further extension is contemplated.

**S154018**

B190874 Second Appellate District, Div. 7

**LAWRENCE (SANDRA DAVIS)  
ON H.C.**

Extension of time granted

On application of petitioner and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to January 14, 2007. No further extension of time will be granted.

**S154790**

D049430 Fourth Appellate District, Div. 1

**21ST CENTURY INSURANCE  
COMPANY v. S.C.****(QUINTANA)**

Extension of time granted

On application of petitioner and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to January 21, 2008.

**S155942****PANAH (HOOMAN ASHKAN)  
ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Ana R. Duarte's representation that she anticipates filing the informal response to the petition for writ of habeas corpus by June 13, 2008, counsel's request for an extension of time in which to file that document is granted to January 29, 2008. After that date, only three further extensions totaling about 135 additional days are contemplated.

**S157001**      B198538 Second Appellate District, Div. 3**FAIRBANKS (PAULINE) v. S.C.  
(FARMERS NEW WORLD LIFE  
INSURANCE)**

Extension of time granted

On application of petitioner and good cause appearing, it is ordered that the time to serve and file the opening brief is extended to January 14, 2008.

**S157917****DAVIS (RICHARD ALLEN) ON  
H.C.**

Extension of time granted

Good cause appearing, and based upon Senior Assistant Attorney General Ronald S. Matthias's representation that he anticipates filing the informal response to the petition for writ of habeas corpus by April 4, 2008, counsel's request for an extension of time in which to file that document is granted to February 4, 2008. After that date, only one further extension totaling about 60 additional days is contemplated.

**S157984**      A114305 First Appellate District, Div. 1**EVEREST PROPERTIES II v.  
PROMETHEUS  
CO.****DEVELOPMENT**

Extension of time granted

On application of appellants and good cause appearing, it is ordered that the time to serve and file the reply to the answer to petition for review is extended to December 17, 2007.



**S158073****COWAN (ROBERT WESLEY)  
ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Lewis A. Martinez's representation that he anticipates filing the informal response to the petition for writ of habeas corpus by February 8, 2008, counsel's request for an extension of time in which to file that document is granted to February 8, 2008. After that date, no further extension is contemplated.

**S158430**

G037365 Fourth Appellate District, Div. 3

**RODEN (DONALD R.) v.  
AMERISOURCE BERGEN  
CORPORATION**

Extension of time granted

On application of defendant and appellant and good cause appearing, it is ordered that the time to serve and file the answer to petition for review is extended to December 17, 2007.

**S045423****PEOPLE v. FUENTES  
(EDGARDO SANCHEZ)**

Order appointing Habeas Corpus Resource Center filed

Upon request of appellant for appointment of counsel, the Habeas Corpus Resource Center is hereby appointed to represent appellant Edgardo Sanchez Fuentes for habeas corpus/executive clemency proceedings related to the above automatic appeal now pending in this court.

**S105857****PEOPLE v. JOHNSON  
(LUMORD)**

Order appointing Habeas Corpus Resource Center filed

Upon request of appellant for appointment of counsel, the Habeas Corpus Resource Center is hereby appointed to represent appellant Lumord Johnson for habeas corpus/executive clemency proceedings related to the above automatic appeal now pending in this court.

**S113653****PEOPLE v. HOYT (RYAN  
JAMES)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Roger Teich is hereby appointed to represent appellant Ryan James Hoyt for the direct appeal in the above automatic appeal now pending in this court.

**S114228****PEOPLE v. DUONG (ANH THE)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Debra S. Sabah Press is hereby appointed to represent appellant Anh The Duong for the direct appeal in the above automatic appeal now pending in this court.

**S115284****PEOPLE v. TRINH (DUNG DINH AHN)**

Order appointing State Public Defender filed

In California, a criminal defendant has no right to represent himself or herself on appeal. (*People v. Scott* (1998) 64 Cal.App.4th 550; see also *Martinez v. California* (2000) 528 U.S. 152.) On the court's own motion, the State Public Defender is hereby appointed to represent appellant Dung Dinh Anh Trinh for the direct appeal in the above automatic appeal now pending in this court.

**S155749**

E041793 Fourth Appellate District, Div. 2

**PEOPLE v. ASHTON  
(CHRISTINA KIMBERLY)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Leonard J. Klaif is hereby appointed to represent appellant on the appeal now pending in this court.

**S156297**

D042623 Fourth Appellate District, Div. 1

**PEOPLE v. VASQUEZ  
(FERNANDO)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Amanda F. Benedict is hereby appointed to represent appellant on the appeal now pending in this court.

**S156898**

A115584 First Appellate District, Div. 4

**W. (CORRINE), IN RE**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Courtney Phlegner is hereby appointed to represent appellant on the appeal now pending in this court. Appellant's brief on the merits must be served and filed on or before thirty (30) days from the date of this order. Your attention is directed to California rules of Court, rule 8.520, for the briefing requirements. Please note also that, because this is a child dependency case, the court may grant an extension of time only on "an exceptional showing of good cause." (Code Civ. Proc., 45; Cal. Rules of Court, rule 8.454.)

**S157148** H030471 Sixth Appellate District

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Robert Derham is hereby appointed to represent appellant on the appeal now pending in this court.

**PEOPLE v. AYALA (ANNA)****S157590** H030026 Sixth Appellate District

Counsel appointment order filed

Upon request of appellant for appointment of counsel, the Sixth District Appellate Program is hereby appointed to represent appellant on the appeal now pending in this court.

**PEOPLE v. LACERDA (STEVEN M.)****S084996**

Order filed

The order filed on October 19, 2007, is amended to read as follows:

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to December 21, 2007.

**PEOPLE v. CHHOUN (RUN)****S156890**

Recommended discipline imposed

It is ordered that RONALD S. PARKER, State Bar No. 62357, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be placed on probation for years on condition that he be actually suspended for one year and until he pays restitution to:

- (1) Ramiro Luis in the amount of \$2,300 plus simple interest thereon at the rate of 10 percent per annum from January 27, 2000;
- (2) Wendy Garcia in the amount of \$1,867.50 plus simple interest thereon at the rate of 10 percent per annum from May 29, 2002; and
- (3) Jorge Garcia in the amount of \$2,367.55 plus simple interest thereon at the rate of 10 percent per annum from May 29, 2002 (or to the Client Security Fund to the extent of any payment from the fund to Ramiro Luis, Wendy Garcia or Jorge Garcia, plus interest and costs, in accordance with Business and Professions Code section 6140.5), and furnishes satisfactory proof thereof to the State Bar's Office of Probation; and until he shows proof satisfactory to the State Bar Court of his rehabilitation, present fitness to practice, and present learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. The period of actual suspension is to run consecutive to the actual suspension imposed in S151380 (State Bar Court Case No. 00-O-13979); to wit, the discipline set forth in this order will not commence until Ronald S. Parker serves the period of actual suspension and until he satisfies all other conditions of his actual suspension imposed in S151380 (State Bar Court Case No. 00-O-13979). Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5,

**PARKER ON DISCIPLINE**

subdivision (c) and (d). Ronald S. Parker is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on July 11, 2006. Ronald S. Parker is further ordered to comply with rule 9.20 (formerly rule 955) of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

\*(See Bus. & Prof. Code § 6126, subd. (c).)

**S156893****GIDEON ON DISCIPLINE**

Recommended discipline imposed

It is hereby ordered that PAUL R. GIDEON State Bar No. 211862 be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 9.20 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective. Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S156895****BROOKINS ON DISCIPLINE**

Recommended discipline imposed

It is ordered that ZAKEYA LEONA BROOKINS, State Bar No. 212900, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that she be placed on probation for one year subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on July 26, 2007. Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10, and one-third of said costs be paid with membership fees for the next three billing cycles. It is further ordered that if Zakeya Brookins fails to pay any installment within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining balance of the costs is due and enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S156897****HAWN ON DISCIPLINE**

Recommended discipline imposed

It is ordered that GREGORY G. HAWN, State Bar No. 236623, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including 90 days actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on August 3, 2007. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 9.20 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S156899****CENTERS ON DISCIPLINE**

Recommended discipline imposed

It is ordered that JUDITH A. CENTERS, State Bar No. 150247, be suspended from the practice of law for one year, that execution of suspension be stayed, and that she be placed on probation for two years, on condition that she be actually suspended for 60 days. Respondent is also ordered to comply with the other conditions of probation, including restitution, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed August 8, 2007. It is further ordered that she take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and one-third of said costs be paid with membership fees for the years 2009, 2010 and 2011. It is further ordered that if respondent fails to pay any installment of disciplinary costs within the time provided herein or as may be modified by the State Bar Court pursuant to Business and Professions Code section 6086.10, subdivision (c), the remaining balance of the costs is due and payable immediately unless relief has been granted under the Rules of Procedure of the State Bar of California (Rules Proc. of State Bar, rule 286). The payment of costs is enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S158724**

**CUTLER ON RESIGNATION**

Voluntary resignation accepted

The voluntary resignation of PETER PAUL CUTLER, State Bar No. 107957, as a member of the State Bar of California is accepted.

**S158725**

**DIETRICH ON RESIGNATION**

Voluntary resignation accepted

The voluntary resignation of DEAN JOSEPH DIETRICH, State Bar No. 47683, as a member of the State Bar of California is accepted.

**S158726**

**DORAN ON RESIGNATION**

Voluntary resignation accepted

The voluntary resignation of MICHAEL MALLON DORAN, State Bar No. 53425, as a member of the State Bar of California is accepted.

**B193843**

**KIM (RICHARD Y.) v.  
MCCULLOCH (ROBERT J.)**

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Three to Division Five.

**B196404**

**CERTIFIED ENVIRONMENTS,  
INC. v. NATIONAL  
COOPERATIVE BANK**

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Five to Division Three.